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C O N F I D E N T I A L STATE 136887

E.O. 11652: GDS

TAGS: PFOR, CU, TY

SUBJECT:GOC PROTESTS TURK-CYPRIOT CONSTITUTION

1. ON INSTRUCTIONS, CYPRUS AMBASSADOR DIMITRIOU CALLED ON EUR/SE DIRECTOR EAGLETON ON JUNE 10 TO PROTEST CONSTITUTIONAL REFERENDUM AND PROVISIONS OF NEW CONSTITUTION. IN THE AMBASSADOR'S VIEW, THESE CONSTITUTE PROVOCATIVE ACTION WHICH HARM ATMOSPHERE FOR INTERCOMMUNAL TALKS AND PRE-JUDGE CONSTITUTIONAL ISSUES WHICH MUST BE NEGOTIATED.

2. DIMITRIOU SPECIFICALLY CRITICIZED PROVISIONS OF NEW CONSTITUTION WHICH A) LIMIT CENTRAL GOVERNMENT POWERS "SO AS TO ESTABLISH CONFEDERATION RATHER THAN FEDERATION"; B) DISCRIMINATE AGAINST GREEK-CYPRIOTS IN TURKISH-CONTROLLED AREA; C) ILLEGALLY GRANT TURK-CYPRIOTS RIGHT TO OWN AND OPERATE GREEK-OWNED INDUSTRIAL PROPERTY; D) GIVE TURK-CYPRIOT AUTHORITIES "RIGHT" TO MAKE INTERNATIONAL AGREE-CONFIDENTIAL

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MENTS; E) CREATE JUDICIAL SYSTEM TOTALLY INDEPENDENT OF

CENTRAL GOVERNMENT; AND, F) MAKE SETTLEMENT OF TURKS IN GREEK-OWNED HOMES VIRTUALLY PERMANENT. WHILE ACKNOWLEDGING THAT CONSTITUTION PROVIDED FOR AMENDMENTS TO BRING IT IN LINE WITH NEGOTIATED FEDERAL CONSTITUTION, DIMITRIOU SAID PRACTICAL EFFECT OF "ARBITRARY" PROVISIONS OF THE TURK-CYPRIOT CONSTITUTION WAS TO MAKE AGREEMENT ON ACCEPTABLE FEDERAL CONSTITUTION MORE DIFFICULT. THESE TURKISH ACTIONS RAISE QUESTIONS ABOUT TURKISH INTENTIONS AND ABOUT THE VALUE

OF GREEK SIDE CONTINUING INTERCOMMUNAL TALKS.

3. EAGLETON RESPONDED THAT WE WERE NOT HAPPY ABOUT REFERENDUM AND TURK-CYPRIOT CONSTITUTION. TURKS WERE FULLY AWARE OF OUR VIEWS ON THIS MATTER BUT HAD STRESSED PROVISIONAL NATURE OF CONSTITUTION. AS PRACTICAL MATTER, ONLY COURSE APPEARED TO BE TO NEGOTIATE WHAT IS ACCEPTABLE TO GREEK SIDE AND, IF AGREEMENT CAN BE REACHED, TO LEAVE IT TO TURK-CYPRIOTS TO AMEND THEIR CONSTITUTION AS NECESSARY. ASKED WHETHER USG HAD APPROACHED TURKS ABOUT REFERENDUM, EAGLETON SAID US HAD DISCUSSED MATTER ON EARLIER OCCASION (WHEN REFERENDUM WAS POSTPONED), AND REPEATED THAT TURKS KNEW OUR VIEWS. HE ALSO SAID THAT ONLY A VERY STRONG AND DIRECT REPRESENTATION FROM CARAMANLIS TO DEMIREL IN BRUSSELS MIGHT HAVE PRODUCED FURTHER POSTPONEMENT. SINCE THIS NOT DONE, AS FAR AS WE KNOW, IT WOULD HAVE BEEN DIFFICULT FOR US TO GET OUT IN FRONT OF GREEKS ON THIS MATTER.

4. TURNING BRIEFLY TO VIENNA MEETINGS, DIMITRIOU SAID DENKTASH HAD TOLD CLERIDES THAT TURKISH GOVERNMENT HAD NOT WANTED REFERENDUM TO TAKE PLACE. HOWEVER, DENKTASH HAD TOLD THEM THAT TO POSTPONE REFERENDUM AGAIN WOULD HAVE WEAKENED HIS POLITICAL POSITION IN TURK-CYPRIOT COMMUNITY. DIMITRIOU SAID DENKTASH HAD MADE SOME POSITIVE POINTS IN VIENNA -- SUCH AS PROPOSAL FOR BI-CAMERAL LEGISLATURE -- WHICH WERE IN ACCORD WITH CLASSIC FEDERAL SYSTEM. OTHER POINTS WERE NEGATIVE, HOWEVER, AND IT WAS ONLY WALDHEIM'S "ASTUTE HANDLING" THAT PREVENTED BREAKDOWN OF TALKS.

5. EAGLETON ACKNOWLEDGED DIFFICULTIES BUT SAID ONE HAS TO TAKE POSITIVE ASPECTS OF SITUATION AND PROCEED FROM THERE.
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HE ALSO NOTED THAT BASIS NOW EXISTS FOR FURTHER DISCUSSIONS AND FOR MAKING COUNTER-PROPOSALS WHICH CAN GET PARTIES MORE DEEPLY INTO SUBSTANTIVE EXCHANGES ON ASPECTS OF OVERALL SETTLEMENT. EAGLETON ALSO OBSERVED THAT ARMS EMBARGO WAS COMPLICATING SITUATION AND PROVIDING TURKS WITH EXCUSE FOR NOT BEING FLEXIBLE. DIMITRIOU AGREED -- MORE EXPLICITLY THAN EVER BEFORE -- THAT ARMS EMBARGO WAS MAJOR OBSTACLE TO PROGRESS AT THIS POINT AND SAID THAT VARIOUS CONGRESSMEN

WANT TO "GET OFF THE HOOK ON THE ARMS QUESTION" BUT FEEL
UNABLE TO DO SO WITHOUT SOME DEVELOPMENT TO JUSTIFY REVERS-
ING EARLIER POSITION.

6. EAGLETON ALSO INFORMED DIMITRIOU OF INQUIRIES US HAD
MADE TO TURKS REGARDING CYPRIOT INFORMATION THAT WORKERS
WERE BEING SENT TO CYPRUS FROM TURKEY AND THAT TURKS WERE
BEING SETTLED IN FAMAGUSTA. TURKS, EAGLETON SAID, TOLD US
SOME WORKERS HAD BEEN SENT TO CYPRUS TO FILL TEMPORARY GAPS
IN WORKING FORCE. WHILE SOME PEOPLE HAVE APPARENTLY MOVED

INTO FRINGE AREAS OF FAMAGUSTA, THERE SEEMS TO BE NO
INTENTION OF SETTLING TURKS IN VAROSHA. DIMITRIOU VOLUN-
TEERED THAT CLERIDES HAD RAISED THIS MATTER WITH DENKTASH
IN VIENNA AND WAS TOLD THAT WORKERS HAD BEEN BROUGHT IN ON
TEMPORARY BASIS, THAT TURKS HAD NOT BEEN SETTLED IN FAMA-
GUSTA, BUT THAT SEVERAL TECHNICIANS HAD BEEN SENT THERE
TEMPORARILY TO CHECK OUT PUBLIC UTILITIES. DIMITRIOU
THOUGHT THIS WAS REASSURING. KISSINGER

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